

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

HANG S. H.,	:	
	:	
Petitioner,	:	Civ. No. 19-12508 (KM)
	:	
v.	:	
	:	
MATTHEW T. ALBENCE, et al.,	:	<b>MEMORANDUM AND ORDER</b>
	:	
Respondents.	:	
	:	

Petitioner, Hang S. H.,<sup>1</sup> is an immigration detainee currently held at the Essex County Correctional Center, in Newark, New Jersey. Petitioner, through counsel, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. Petitioner challenges his detention as unlawful because he was denied due process at his adjustment application interview. (DE 1.) Specifically, Petitioner submits he was “deprived of a good-faith, individualized adjudication of his I-485 application” when USCIS failed to interview him before rendering a decision on his application. Since the date of Petitioner’s initial filing, however, USCIS granted Petitioner’s Motion to Reopen or Reconsider and conducted an individualized interview with Petitioner regarding his I-485 application. (DE 9, at 5.) After the interview, Petitioner’s I-485 was again denied. (*Id.*) Petitioner indicates that he has filed a second Motion to Reopen or Reconsider with USCIS arguing that the substance and circumstances giving rise to the decision to deny his I-485 again were “factually and legally suspect.” (DE 9, at 6.)

At this time, it is unclear what relief Petitioner now seeks from this Court and whether this Court has jurisdiction to hear this matter under 28 U.S.C. § 2241. Accordingly, the Court

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<sup>1</sup> Consistent with guidance regarding privacy concerns in social security and immigration cases by the Committee on Court Administration and Case Management of the Judicial Conference of the United States, Petitioner is identified herein only by his first name and last initial.


directs Petitioner to provide a supplemental brief addressing the relief he seeks from this Court, the specific procedural mechanism that might grant him that relief, and whether this Court has jurisdiction to hear this matter under 28 U.S.C. § 2241. The Court also directs Respondents to provide a reply within (30) days of receipt of Petitioner's supplemental brief.

Accordingly, IT IS this 18th day of October 2019

ORDERED that, within thirty (30) days of the entry of this Order, Petitioner shall file and serve a supplemental brief which describes the redressability he seeks and this Court's jurisdiction over the matter; and it is further

ORDERED that within thirty (30) days of receipt of the supplemental brief, Respondent shall file a reply; and it is further

ORDERED that within seven (7) days of petitioner's release, by parole or otherwise, as well as any change in the basis for petitioner's immigration detention, respondent shall electronically file a written notice of the same with the Clerk.

  
KEVIN MCNULTY  
United States District Judge